

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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KERMIT J. ERICKSON,

Plaintiff,

v.

**ORDER**

Civil File No. 05-427 (MJD/SRN)

MICHAEL D. JOHNSON and  
BALOGH, BECKER, LTD.,

Defendants.

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This matter is before the Court on Defendants' Motion for Leave to Supplement the Record [Docket No. 34]. Oral argument on the parties' cross-motions for summary judgment is scheduled for December 15, 2005. Defendants' original Responses to Plaintiff's Request for Admissions were signed September 6, 2005. Briefing on the summary judgment motions closed on November 10, 2005. On November 23, Defendants moved to supplement the record with Amended Responses to Plaintiff's Request for Admissions. Plaintiff opposes the motion.

The Court concludes that Defendants' motion is untimely. Additionally, Defendants can argue their interpretation of their signed Responses during oral argument.

**IT IS HEREBY ORDERED** that

Defendants' Motion for Leave to Supplement the Record [Docket No. 34] is **DENIED**.

Dated: December 2, 2005

s / Michael J. Davis  
Judge Michael J. Davis  
United States District Court